

EXHIBIT D



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

COPY

Outgoing
C0250005
#3371
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October 19, 2009

Chris McCourt, Manager
Alton Coal Development, LLC
463 North 100 West, Suite 1
Cedar City, Utah 84720

Subject: Decision Document and Application Approval, Alton Coal Development, LLC Coal Hollow Project, C/025/005, Task ID #3371, Outgoing File

Dear Mr. McCourt:

The Decision Document and "Proposed Permit" for the Coal Hollow Project are enclosed. The Division has made a decision to approve your application with conditions. Please note the conditions attached to the proposed permit. Once the permit is issued, Alton Coal Development, LLC will be required to adhere to the permit requirements and conditions.

Pursuant to R645-300-200, you, or interested parties, may file a request for a hearing before the Board of Oil Gas and Mining regarding the reasons for the decision within 30 days. The 30 days request period will end November 18 at 6:00 pm.

Issuance of the actual permit is pending the posting of the reclamation bond along with the reclamation agreement. Please contact Angela Nance at 801-538-5264 for the necessary paper work to complete this requirement. Also, in accordance with R645-301-112.900 and R645-301-113.400 you must also update, correct or indicate that no change has occurred in the information previously submitted under R645-301-112.100 through R645-301-112.800 and R645-301-113. Please note there are also some housekeeping issues identified in the Administrative Overview and Technical Analysis that need to be fixed at this time.

A copy of your approved (stamped incorporated) Operation and Reclamation Plan will be returned to you for your records. If you have any questions, please call Dana Dean, Associate Director - Mining, at (801) 538-5320, or Daron Haddock, Coal Program Manager, at (801) 538-5325.

Sincerely,

John R. Baza
Director

JRB/DRH/sqs

Enclosures

cc: Jim Fulton, OSM
Walt Baker, DEQ
Price Field Office

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File in:

☐ Confidential

☐ Shelf

☒ Expandable

Refer to Record No.

In C0250005-2009 Outgoing

For additional information

